REMARKS

Claims 1-18 are pending in this Application. Claim 1-3 and 6-18 stand rejected under 35 U.S.C. § 102(e) and claims 4-5 stand rejected under 35 U.S.C. § 103. Claims 1, 10 and 14 have been amended. Applicants respectfully request reconsideration of the pending claims 1-18 in light of the following remarks.

Rejection of Claims 1-3 and 6-8 under 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-3 and 6-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,223,143 to Weinstock et al. ("Weinstock").

Claim 1, 10 and 14 recite, among other limitations, identifying "one or more control procedures" and "a compliance rating for each said control procedure." Claim 16 recites a processor programmed to receive a "signal identifying one or more control procedures" and a "signal identifying a compliance rating."

The control procedures of the present invention are associated with specific risks (or subrisks). (Specification, p. 8, ll. 14-15) Control procedures are procedures which are deemed as a means to mitigate risk. Accordingly, there is a great need (which is addressed by the present invention) to identify compliance with such control procedures. Exemplary control procedures are listed on pages 8-12 of the Applicants' Specification, and include, by way of example, management reporting, anti-virus software, budget procedures, etc. Figure 4 further shows an exemplary control procedure for an exemplary "Business Resumption" subrisk.

Weinstock discloses a quantitative system "which assesses risk at the failure mode, subsystem, and element (i.e., a group of subsystems) levels, based upon user supplied quantifications of failure modes, event sequences, system decomposition, and system operating times." (Weinstock col. 3, ll. 2-7) Weinstock uses these elemental failure modes to build hierarchy models and event sequence charts. (Weinstock col. 7, ll. 15-20) Weinstocks event sequence charts are intended to identify failure scenarios, rather than address control procedures as in the Applicants' invention. Specifically, Weinstocks event sequence charts "depict[] one or more accident or failure scenarios, all of which begin with a single initiating event, may include one or more pivotal events

and/or time conditions, and terminate in one or more specified end states." (Weinstock col. 13, ll. 42-46)

However, Weinstocks does not teach or disclose identifying control procedures to address such failure modes or a compliance rating for such control procedures. Accordingly, claims 1, 10, 14 and 16 believed to be patentable over the prior art made of record.

Claims 2-9 are dependent, (directly or indirectly), on claim 1; claims 11-13 are dependent, (directly or indirectly), on claim 10; claim 15 is dependent from claim 14; and claims 17-18 are dependent on claim 16 and are believed patentable, among other reasons, by virtue of such dependency.

SUMMARY

Applicants have submitted arguments to overcome the 35 U.S.C. § 102(e) rejection. In view of the forgoing supporting remarks, Applicants respectfully request allowance of pending claims 1-18.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below.

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Respectfully submitted,

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